

This rejection is not understood inasmuch as it has not been posed before.

The claims referred to have not been amended and applicant does not understand how the claims have now, at this late date, been found ambiguous.

Under § 2173.02 it is stated:

"In reviewing a claim for compliance with 35 USC 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claims appraises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 USC 112, second paragraph."

It is believed that this notice function has been met by claim 6, and hence it and claims 7-9, are not defective under 35 USC § 112, second paragraph.

The Examiner continues the rejection of claims 1-4 under 35 USC 102(e) as anticipated by Adler.

Adler may not be construed to teach minimally spaced apart strings of spaced apart lights extending from a power cord.

At column 2, lines 30-34, Adler describes his lights 18 spaced along the power cord 19, the lights 18 on the power cord 19 being connected in series or parallel.

There is no mention of light strings, or of lights being electrically connected on strings in series, or of such light strings being connected to the power cord in parallel. Such cannot

exist because Adler's lights 18 are on the power cord 19, not on strings extending from a power cord.

The Examiner's opinions in this light are not well taken and applicant demands strict proof upholding the opinions, in the form of an Affidavit.

Further, it is noted that the Examiner seems to totally ignore the case required in Adler to create his claimed decorative light fixture in the form of an icicle.

Applicant has no such requirement as he is not creating a decorative light fixture, but rather, a diffuse lighting arrangement as claimed.

Here see In re Spinnoble, 160 USPQ 237 (CCPA 1969):

"Patentable invention, within ambit of 35 U.S.C. § 103, may result even if inventor has, in effect, merely combined features, old in the art, for their known purpose, without producing anything beyond results inherent in their use; it is proper to inquire as to reasons for making the combination; patentable invention may lie in discovery of source of problem even though remedy may be obvious once source of problem is identified; this is part of 'subject matter as a whole' which should always be considered in determining obviousness of an invention under section 103; court must be alert not to read obviousness into an invention on basis of applicant's own statements, i.e., court must view prior art without reading into that art applicant's

teachings; issue is whether teachings of prior art would, in and of themselves and without benefits of applicant's disclosure, make invention as a whole, obvious."

With respect to the Examiner's comments regarding hindsight reconstruction, such must necessarily exist without proof to the contrary. Inasmuch as applicant's structure does not exist in Adler, it necessarily follows that the Examiner's attempting to squeeze the teachings of Adler into the "mold" applicant provides.

With respect to Adler's "wire 19" (sic) (rather lights 18) being in series or parallel, it is apparent that only applicant connects lights in series to wires connected in parallel to a power cord since Adler's lights are on the power cord 19, eliminating any possibility of teachings strings in parallel.

Next, claim 5 is again rejected as obvious from Adler in view of Lehmann, et al.

Lehmann et al may suggest use of a circuit protection device in his small gauge wire string set, it cannot be said that such is suggested anywhere for use in applicant's explicitly defined diffuse lighting arrangement.

It would be similar to stating that gears are known so any item including gears would be obvious to create.

Such logic cannot stand on its own.

Again, nowhere can the Examiner offer proof of the exact circuit applicant is claiming. Until opinions are set aside and strict proof is presented, requiring applicant to restrict his

embodiment to necessarily include an anchor strap is for too restrictive.

Applicant awaits early allowance.

Very truly yours,

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